HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
HON'BLE SRI JUSTICE G. BHAVANI PRASAD

W.P.NOS. 20344 AND 23028 OF 2003

DATED: 25.6.2007

W.P.NO.20344 OF 2003

Between:

Yenuganti Nagaiah and others

… Petitioners

and

K. Vedadri (died) and others

… Respondents

W.P.NO.23028 OF 2003

Between:

K. Vedadri (died)

… Petitioner

and

Yenuganti Nagaiah and another

… Respondents

HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
HON'BLE SRI JUSTICE G. BHAVANI PRASAD

W.P.NOS. 20344 AND 23028 OF 2003

ORAL ORDER: (per BPR.J)

Heard the learned counsel for the petitioners in W.P.No.20344 of 2003 and respondents in W.P.No.23028 of 2003.

Having regard to the fact that both the matters arise out of the common order in LGC No.32 of 2000, they are taken up together for disposal by this common order.

Briefly stated the facts are that both these writ petitions arise out of the same orders dated 31.7.2003 in LGC No.32 of 2000, on the file of the Special Court under the A.P. Land Grabbing (Prohibition) Act, Hyderabad, wherein the application filed by the petitioner in W.P.No.23028 of 2003 was partly allowed holding that the petitioners in W.P.No.20344 of 2003 are the land grabbers. The claim made by the applicant in LGC No.32 of 2000 was that he was the owner of the application schedule property in T.S.No.485 (Old T.S.No.135), Block-9, Ward No.3, Guntur and whereas the

subject matter of the property was grabbed by the petitioners in W.P.No.20344 of 2003, in violation of an agreement of sale entered into between them on 10.9.1992. The respondents before the court below stated that they are not the land grabbers.

The Special Court, after framing necessary issues and taking into consideration both oral and documentary evidence adduced by the parties, did not find favour with the respondents before it and ultimately held that the respondents therein were land grabbers and liable to be evicted. Since no compensation has been awarded while allowing the said application filed by the said applicant; he preferred W.P.No.23028 of 2003.

Having considered the submissions made and also after perusal of the material available on record, admittedly in the present case without going into the rival claims or considering them, it transpires from the record that the petitioners in W.P.No.20344 of 2003, who are the respondents before the Land Grabbing Court and declined to be land grabbers, have in fact, filed a separate comprehensive suit i.e. O.S.No. 253 of 1995, on the file of the Subordinate Judge, Guntur, for specific performance of an unregistered agreement of sale, which was marked as Ex.A-1 and the suit is stated to be pending. In spite of the same, the present LGC before the Land Grabbing Court came to be filed and the same was disposed of on merits.

Having regard to the fact that such a comprehensive suit is filed and is pending consideration before a regular court, no relief could not have possibly been granted or considered from any angle by the Land Grabbing Court.

In the fitness of things, both the proceedings shall be taken up and tried together to avoid any multiplicity of proceedings and also inconsistent findings.

In the circumstances, without going into merits and also in the interest of justice, both the matters are directed to be taken up together and disposed of on merits. Accordingly, both the writ petitions are allowed and the orders passed in LGC No.32 of 2000 dated 31.7.2003 are set aside. Since the relief of specific performance could not have possibly been granted by the Land Grabbing Court under the Act, the said LGC No.32 of 2000 is transferred to the Sub-Court at Guntur to be tried along with O.S.No.253 of 1995. It shall be open for both the parties to adduce fresh evidence, if they so choose. The Sub-Court, Guntur shall decide both the matters, uninfluenced by any of the findings or observations and independently. No costs.

B. PRAKASH RAO, J

G. BHAVANI PRASAD, J

Date: 25.6.2007
cvm